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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,813	11/07/2000	Hirohisa Tasaki	1163-0301P	5970
7590 09/22/2005 Birch Stewart Kolasch & Birch LLP P O Box 747 Falls Church, VA 22040-0747			EXAMINER HAN, QI	
			ART UNIT 2654	PAPER NUMBER

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,813

Applicant(s)

TASAKI ET AL.

Examiner

Qi Han

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,13-15,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10,13-15 and 21 is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

2. This communication is responsive to the applicant's amendment dated 07/05/2005. Applicant cancelled claims 23-25 (see amendment: page 14).

Election/Restrictions

3. Applicant's election without traverse of invention Group 1, claims 1-10, 13-15 and 21-22 in the reply filed on 07/05/2005 (see amendment: page 14) is acknowledged.

Claims 11-12, 16-20 and 26-30 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention (Group 2). Election was made without traverse in the reply filed on 07/05/2005 (see amendment: page 14).

It is reminded that this amendment filed 07/05/2005 contains claims 11-12, 16-20 and 26-30 drawn to an invention nonelected without traverse (see amendment: pages 11-13). A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over EHARA et al. (6,226,604 B1) hereinafter reference as EHARA.

Art Unit: 2654

As per **claim 22**, EHARA discloses voice encoder, voice decoder, recording medium relating to a CELP type voice decoding device (title and abstract), comprising:

“determining a plurality of candidate repetition periods for the driving excitation source, each representing one of a plurality of predetermined constant numbers multiplied by a repetition period of the adaptive excitation source” (col. 12, line 32 to col. 13, line 25, ‘impulse string which is arranged in the pitch cycle and passed through a synthesis filter (suggest including driving excitation source) ...’ and ‘this is repeated plural times (multiplied by a repetition period) until a sub-frame length is reached’; Figs. 16a-16b and col. 29, lines 1-15, ‘the search positions (corresponding to candidates repetition periods) are determined’; Fig. 15 and col. 27, lines 49-60, ‘for the pulse number determination unit 93 determines the number of pulses for use in the pulse sound source based on the value of pitch cycle L’ and the relationship between the pulse number and the pitch cycle is predetermined’, ‘...five pulses,...four pulses...three pulses are determined’, wherein the numbers of pulses read on predetermined constant numbers; Fig. 15, ‘adaptive coder vector’, ‘pulse sound source vector’, activating sound source vector (driving excitation source)’);

“selecting at least one of the candidate repetition periods” (Figs. 16a-16b); and

“generating excitation source information corresponding to the selected candidate repetition period and a signal representative of the input speech” (Figs. 3 and 31-32, ‘activating sound source vector (excitation source information), wherein the signal output from ‘synthesis filter’ reads on a signal representative of the input speech).

It is noted that the above features/elements is not from a single embodiment of the EHARA’s disclosure. However, EHARA disclose all these features/elements in his 17 different

Art Unit: 2654

embodiments and further teaches 'industrial adaptability' for use of his emphasized features (col. 61, line 37 to col. 64, line 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine above features/elements from EHARA's different embodiments, for the purpose of enhancing a voice quality for a voice coding device and broadly applying the invented encoding/decoding device (or method) to mobile and other communication device (col. 1, lines 51-52; col. 64. lines 1-3).

Allowable Subject Matter

5. The statement of the allowable subject matter is directed to the same section in the previous office action filed on 09/30/2004.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2654


7. Any response to this action should be mailed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
or faxed to:
(703) 872-9306, (for formal communications intended for entry)
Or:
(703) 872-9306, (for informal or draft communications, and please label
"PROPOSED" or "DRAFT")

Patent Correspondence delivered by hand or delivery services, other than the USPS, should be addressed as follows and brought to U.S. Patent and Trademark Office, 220 20th Street S., Customer Window, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA, 22202

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (703) 305-5631. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-6954.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

QH/qh
September 15, 2005


DAVID D. KNEPPER
PRIMARY EXAMINER